

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

ACUITY, A MUTUAL INSURANCE
COMPANY,

Plaintiff,

v.

MCCOY EXCAVATION, LLC,
CHRISTIAN MCCOY, and
PETRA, INC.,

Defendants.

CV-22-50-BU-BMM

ORDER

Plaintiff Acuity, A Mutual Insurance Company (“Acuity”) filed this action against McCoy Excavation, LLC; its principal and member Christian McCoy (collectively, “McCoy”); and Petra, Inc. (Doc. 1.) Acuity seeks a declaratory judgment confirming that it has no duty to defend or indemnify its insured, McCoy. (Doc. 7 at 5.) Acuity moved for summary judgment. (Doc. 6.) The Court conducted a motion hearing on November 10, 2022. McCoy failed to appear at the hearing.

ORDER

Accordingly, **IT IS ORDERED** that Acuity's Motion for Summary Judgment (Doc. 6) is **GRANTED**.

Dated this 14th day of November, 2022.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris, Chief District Judge
United States District Court